



Town of Groton, Connecticut

Meeting Minutes

Town Council Committee of the Whole

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Mayor Harry A. Watson, Councilors Peter J. Bartinik, Jr., Natalie Burfoot Billing, Heather Sherman Bond, Catherine Kolnaski, Frank O'Beirne, Jr., Paulann H. Sheets, Thomas J. Skrmetti, and Elissa T. Wright.

Tuesday, November 23, 2004

7:00 PM

Town Hall Annex - Community Room 1

REGULAR MEETING

1. CALL TO ORDER

Town Clerk Barbara Tarbox called the meeting to order at 7:09 p.m. She noted that Mayor Watson was absent and the Council would have to appoint a Mayor pro-tem to chair the meeting.

Councilor Skrmetti made a motion to nominate Councilor Kolnaski Mayor pro-tem, seconded by Councilor Bartinik.

The motion carried unanimously.

2. ROLL CALL

Members Present: Councilor Bartinik, Jr., Councilor Billing, Councilor Bond, Councilor Kolnaski, Councilor O'Beirne, Jr., Councilor Sheets, Councilor Skrmetti and Councilor Wright
Members Absent: Mayor Watson

Also present were Town Manager Mark Oefinger, Assistant to the Town Manager Lee Vincent, Town Clerk Barbara Tarbox, and Executive Assistant Nicki Bresnyan.

3. Calendar and Communications

Town Manager Oefinger noted that he had distributed a packet of information including the contract with Jeter, Cook and Jepson Architects for the school project; an injunction filed on the Route 1 sidewalk; the contract with Phillips Preiss Shapiro Associates for the Economic Strategic Plan Update, and the Weekly Status Report.

Councilor Billing submitted three articles concerning median salary increases across the country, potential inflation numbers, and the CPI.

4. UNFINISHED BUSINESS

None.

5. NEW BUSINESS

2004-0327

Contract Agreement Between the Groton Board of Education and the Association of Groton School Administrators

Discussed and Recommended no action taken

Town Manager Oefinger noted that representatives from the Board of Education and their attorney were present. It had been previously mentioned that this may be a non-meeting item, but looking at the history of previous discussions, the Town Council has never gone into executive session or non-meeting before. If the Council chooses to do that, it should be because it is interpreted as continuing negotiations.

Councilor Sheets understands that the Town Council is required to meet within 30 days to accept or reject the contract, once it is filed with the Town Clerk and Commissioner of Education. She noted another provision for calling for a vote on the contract due to a petition. If the Council is reviewing a signed contract, she does not feel they can have a non-meeting.

Floyd Dugas, representing the Board of Education, agreed with Councilor Sheets except he noted that the Council's role is to vote to reject the contract, or take no vote, rather than vote to approve it. The contract is automatically binding if no action is taken by the Council to reject it within 30 days.

Councilor Skrmetti disclosed that his wife is Assistant Principal at Eastern Point School and he will not be participating in this discussion or voting.

Councilor Bond asked what impact the changes would have on the school budget. Mr. Dugas distributed a summary of agreement and settlements for administrators, and a cost out of the agreement. Salaries are approximately \$3.3 million.

Mr. Dugas noted the contract primarily addresses wages and health insurance. Proposed increases are 3.25% in the first year, 3.25% in the second, and 3.5% in the third. There are no steps in the contract. The numbers are consistent with state averages, which is important if binding arbitration is required. On the health insurance side, the Board has negotiated plan design changes to save money or at least flatten the increases as much as possible. The life insurance cost increases are not particularly significant. Mr. Dugas explained that if the Town Council rejects the contract, it will automatically go to binding arbitration for about a 10-day time period. The arbitrator will look at average settlements, and there must be something very significant going on in the community to overturn the contract. The cost of arbitration is also a factor and it can run from \$20,000 to \$25,000.

Councilor Bond asked about the commonality of health care plans. Mr. Dugas stated that about 70% of employees are in the same or a similar plan. Cost information by plan is not readily available in the public domain. If the administrators choose not to take the health plan, they are not paid for it because it is a self-insured plan.

Councilor O'Beirne noted that these increases follow a number of years where the increases have been significantly above the cost of living and CPI. He expressed concern with anything in excess of 3%. Councilor O'Beirne cited Article XVI - Starting Salaries, and noted a particular scenario where an employee could potentially get a 30% increase. Discussion followed on new hires. Mr. Dugas noted that he participates in approximately two contract arbitrations per year so he has experience with arbitration awards, even if Groton's Board of Education doesn't.

Councilor Bartinik asked if there has been any organized effort to address wage increases. Mr. Dugas noted the Connecticut Association of Boards of Education is a lobbying group that shares information, but there is no coalition for bargaining. State statutes vest that authority in each Board of Education, so a coalition group would be a violation. Councilor Bartinik asked if the Board of Education has ever approached a group prior to negotiations seeking pay concessions. Archie Swindell suggested that there would have to be evidence that the Town's grand list was not increasing, and that has never been the case. Mr. Dugas assured the Council that the Board's opening position was for lower increases which were then negotiated, with both sides settling on what was likely to happen in arbitration.

Councilor Wright expressed a concern that the benefits available to public sector employees exceed those available to private sector employees. She asked what the percent increase in health insurance costs were. Mr. Dugas stated around 10% last year. Councilor Wright then asked about the last time a comparative cost evaluation was undertaken of the self-funded plan. Joyce Sauchuk of Administrative Services noted a study was done a number of years ago and there is at least a 5% savings with a self-funded plan.

Councilor Sheets noted there are 35 administrators with a current salary of \$3.378 million. Mr.

Dugas explained that a quarter percent salary increase equates to approximately \$8,000 per year. Discussion followed on the medical savings plan, which is a new provision that allows an individual to put money into an account, pre-tax, and purchase things like health care and child care.

Councilor O'Beirne noted that other unions will look at these increases when negotiating their contracts.

Councilor Bond asked if there was any effort made to provide different health care plans at a lower cost. Mr. Dugas stated it is more complicated with a self-insured plan. The standard is the Century Preferred plan. The Board is now offering Blue Care as an alternative in the hope that people will move to that plan. Joyce Sauchuk stated that the Town went out to bid in 1998 and Blue Cross was the most cost effective.

A motion was made by Councilor O'Beirne, seconded by Councilor Bond, to reject the negotiated contract between the Groton Board of Education and the Association of Groton School Administrators.

Councilor Kolnaski stated she sat in on these negotiations and she is concerned about the cost of binding arbitration. Councilor Billing will not support the motion, noting that the major factor that arbitrators look at is surrounding communities and those numbers support this contract. The Town may end up paying more in binding arbitration. Councilor Bartinik asked why the Town Council would reject the contract other than as a protest, if ultimately the majority of the Council will not make the hard decisions to reduce spending. Mr. Swindell stated that economically it doesn't make sense to go to binding arbitration over these numbers or to jeopardize good administrators. To maintain a quality education, the Town should and must pay competitive salaries. Councilor Wright stated the need to get a handle on the cost of government in Groton as residential properties bear an increasing burden in taxes. She suggested that she would look for a correlation between administrator salary increases and educational indicators before approving this contract. Mr. Swindell noted the same people that elect the Council elect the Board of Education. No one thinks that degradation of the schools is good for the Town. Councilor Billing clarified that only items newly negotiated would be negotiated during arbitration. The Council has a responsibility to the taxpayers, but the Town also has to be a reasonable employer that treats its employees reasonably. Councilor Sheets stated she would vote against the motion to achieve a goal of making a statement. She feels these are handsome pay packages and perhaps at a certain level, it is appropriate not to talk about increases.

Town Manager Oefinger asked Mr. Dugas to explain the arbitration process. Hugh Hunter reviewed cost savings associated with the prescription rider change and co-pay increases. Councilor Bond asked why the new hire increase wasn't negotiated, and Mr. Dugas stated that the Board doesn't want steps in the contract because steps cost more money. It is already unique to be able to hire at 10% below the contract rate.

Mr. Dugas explained that in arbitration, both sides come in with their last best offer, and the arbitrator must pick something in between. The offers must be evaluated based on five statutory criteria (CGS Sec 10-153d).

The motion failed by the following vote:

In Favor: 2 - Councilor O'Beirne, Jr. and Councilor Wright

Opposed: 5 - Councilor Bartinik, Jr., Councilor Billing, Councilor Bond, Councilor Kolnaski, Councilor Sheets

Abstained: 1 - Councilor Skrmetti

The Committee recessed at 8:30 p.m. for ten minutes.

2003-0054 Reorganization and Consolidation of Town and Board of Education Services**Recommended for Deletion**

The Town Manager asked the Committee for their conclusions from the joint meeting. Discussion turned to a list of shared activities. Councilor Sheets stated that contracting out activities is a more economical way to go. She does not feel it is the right dynamic for the Town to take over services contracted out by the Board of Education. She cited the failed Steamboat Wharf dredging project as an example of a service that should have been contracted out.

Town Manager Oefinger noted that the Town used to contract out activities, but was routinely taken advantage of. In light of Stormwater II requirements, it was felt that the Town should do more activities like catch basin cleaning in house to contain costs. Regarding dredging at Steamboat Wharf, Town staff has had numerous discussions with DEP and DOT regarding what approach to take. In this case, the Town was trying to find a way to do the dredging in house rather than asking for up to \$80,000 to contract it out. Although the effort was not successful, it was a lesson learned.

Councilor Skrmetti feels cleaning out storm basins is a perfect example of an activity that the Board of Education should not be involved in, and that could be outsourced. The Town has to look at where activities can be combined and what is most cost-effective. Councilor Billing requested a referral on getting information from studies that have been done on the costs associated with in-house services versus contracting out and quality. She cited a study of street paving and a 1994 study for the City Highway Department that showed some things that should be done in house and some that should be contracted out. A blanket approach doesn't work. She expressed puzzlement that the Town attempted to do something at Steamboat Wharf to save money, it didn't work, and now the Town is being criticized. Councilor Sheets stated she would provide information to the Town Manager on additional areas that she feels could be examined.

Councilor Billing recommended deleting this referral and combining it with 2002-0116 Efficiencies in Town Government (Fire Districts, DPW, GLP, and BOE).

2004-0199 City Planning Services**Recommended for a Resolution**

The Town Manager explained that he would like the Council to have a full understanding of the services provided to the City including special projects since there may be a difference of opinion regarding work load and responsiveness. The Town Manager understood the Council's action as a directive to come to a working agreement with the Mayor regarding planning services, within the existing budget and resources.

Michael Murphy, Director of Planning and Development, noted that the planning program in the City started in 1988-89 with an individual planner with oversight by staff at Town Hall. By 1992, the program had evolved to a point where multiple people staffed the City due to staffing levels in the Town and to vary the expertise available to the City. The planner has worked on the ISTE A program and streetscape improvements on Thames Street, averaging 18 to 20 hours per week. In the mid-1990s, the Town sent an additional planner to the City during the day, with the Assistant Director attending meetings. In 1996, the City adopted their Plan of Conservation and Development and there have been a series of associated projects completed as follow up to the plan. In September, the Town provided an update to the Mayor and Planning and Zoning Commission on the status of projects along with suggestions on how to complete the projects. The City is in the eighth year of a ten-year plan. In the past year, Susan Cullen went on maternity leave and a contractual planner was brought in at reduced hours due to staff shortages in the Town. Starting in June of last year, a fourth day of staff services was added to the schedule in the City for a total of 16 office hours plus additional staff hours spent in the Town as well as the hours that the Planning Technician (Paul Duarte) spends.

Recently there has been a series of initiatives that the City wants addressed that have been prompted by a subdivision in the Groton Bank area. These include a regulation amendment on property owner notification and a fee in lieu of open space regulation, which is also being proposed in the Town. Mr. Murphy explained that there is a process that needs to be followed to accomplish planning tasks. Staff has also worked on a regulation amendment regarding rear lots and that project required a significant amount of mapping by Paul Duarte to analyze the situation. Staff is also working with the Mayor's Office on the Birch Plain Park extension. An Industrial Zone Revision Study was done to look at the area of Pfizer, Hess and Electric Boat to create a new zone to address retrofitting parking areas and allow for future development of the sites while moving them away from residential properties. Staff has met with Mayor Popp on the CIP and given the Mayor recommendations on open space and sidewalk development. Staff has also spent a significant amount of time on the master trails and sidewalk plan, which includes the City.

Projects in the Town include the Downtown Mystic streetscape program, development of a new Town map, reviewing coastal public access mapping and signage, the Heritage Park Program which includes the City, and updating of the Plan of Conservation and Development. Mr. Murphy stated there are six planners on staff, including the Director.

Councilor Skrmetti feels that if the City needs additional hours, they should have adequate planning services. Town Manager Oefinger agreed and stated he is attempting to meet the Mayor more than half way. The 16 office hours do not include site inspections and special projects. The original intent of this arrangement was to staff the City Planning and Zoning Commission, but it has evolved significantly. The Town and City must have an agreed upon work program; "availability" doesn't mean someone sitting waiting to receive the next task. The Manager feels that discussions should focus on the work program and identification of tasks. He would like to work with the Mayor, the City Planning and Zoning Commission, and the Planner and then compare the City's work program to the Town's work program.

Mr. Murphy added that staff has met with Mayor Popp on the Regional Transportation Improvement Program. That type of interface is not reflected in the 16-hour figure.

Councilor Bond asked how Town and City projects are prioritized, and why the Mayor is unhappy if the Town is providing so much service. Mr. Murphy stated that priorities come from the agency's goals. Staff makes recommendations to the City, but under the contract, Mayor Popp assigns the priorities. Councilor Bond asked specifically what projects are not getting done and whether or not Mayor Popp has provided a list. Town Manager Oefinger explained that Mayor Popp wants "his own planner", down the hall, 40 hours a week. There has never been an instance where there was a need to prioritize a Town versus a City program. When grants are available, the area of Town is not an issue.

Mr. Murphy further explained that staff prioritizes the most important project. For example, on a meeting night there is work that needs to be done in preparation for the meeting. The Town Manager stated that without an agreed upon work program, there is no way to evaluate if there are sufficient resources to make the City happy. The Town Manager is attempting to schedule a meeting with Mayor Popp.

Councilor Wright asked if the current arrangement ceased, what might be lost in the integrated approach, or in other words, what are the benefits that accrue to the City and the Town as a whole. Also, if the City employed a planner separate from the Town, would there still be a sharing of resources?

The Town Manager noted that the Town coordinates with other governments depending on what the issue is, but he doesn't know how much interaction the Town would have with the City if they

had their own planner. Groton is one large community made up of sub-communities. An integrated approach to planning allows joint applications for grants or projects and results in higher ranking of projects regionally. Mr. Murphy noted there are environmental, transportation, and storm water benefits, all issues that do not stop at the borders.

Councilor O'Beirne doesn't believe that giving the City a planner for 40 hours a week will solve the problem, which he sees as a simple command relationship problem.

A motion was made by Councilor Billing, seconded by Councilor Skrmetti, to support the Town Manager in his efforts to resolve issues regarding the City planning program, and authorize the Town Manager to remove the limit on the number of hours of planning services provided to the City.

The motion carried by the following vote:

Votes: In Favor: 5 - Councilor Billing, Councilor Bond, Councilor Kolnaski, Councilor Sheets and Councilor Skrmetti

Opposed: 3 - Councilor Bartinik, Jr., Councilor O'Beirne, Jr. and Councilor Wright

2004-0321

GOSA/Planning Issues

Discussed

The Council had previously received a memo from GOSA regarding this issue. The Town Manager distributed a memo from Mike Murphy addressing some of the claims and conclusions in GOSA's memo. He reminded the Committee that this issue involves an application pending before the Zoning Commission. Councilor Skrmetti asked what is expected from the Council since the Council has no role in this issue. The Manager agreed that the Council has no role in the deliberations regarding the application, however GOSA has made accusations that need to be responded to. Councilor Bartinik suggested the point is to get the background on GOSA's complaints. Councilor Wright characterized the situation as "he said, she said" and requested a brief narrative of what the proposed zone change would do and the reasons for it to help the Council negotiate the details. Councilor Skrmetti recommended that the discussion be ended because the Council has nothing to do with a zone change application. Councilor Sheets stated the Council is a policy body, and can express to the Town Manager that a wrong direction in Town is being taken. Councilor Billing agreed that this is not the Council's jurisdiction, but she has no problem reading the information.

A motion was made by Councilor Skrmetti to remove this item from the referral list. There was no second.

Councilor O'Beirne feels the Council is responsible to the electorate and if residents have concerns, the Council should respond. Councilor Skrmetti noted that the Council has never involved itself in the work of the boards and commissions and this would set a dangerous precedent. Councilor Bond supported reading the information and considering the issue. Councilor Wright noted that one of the Council's goals is to implement the Plan of Conservation and Development and GOSA has alleged that a proposed regulation amendment conflicts with the POCD, so she would support exploring the issue further. Further consideration of this item was tabled to the next Committee of the Whole meeting.

2004-0328

Bus Ordinance - Update

Discussed

The Council received a memo from Assistant Chief Kelly Fogg regarding the history of the bus ordinance. A recent ruling from the State's Attorney General's Office means that the ordinance will be enforced in a different way than it has in the past, which may prompt visits to the Council from affected businesses. The Town Manager does not feel that a strict interpretation of the ordinance was the original intent. The ordinance was meant to address tour busses and casual tours of residential areas, not put people out of business. Staff has discussed the possibility of encouraging Abbott's to use a shuttle service, but to make shuttle transportation efficient, vehicle

capacity would have to exceed the 10 passenger limit. Councilor Bond asked how many complaints have been received by Noank residents. The Town Manager believes there was a public meeting at the firehouse. Two residents contacted the Town Manager, but prior to that no complaints were received. Staff will be meeting with Abbott's and has already spoken with the owner of Noank Shipyard.

2004-0011 Legislative Policy (2004 Standing Referral)

Discussed

Councilor Billing would be interested in discussing SCCOG's legislative agenda rather than CCM's list. Councilors were requested to forward their legislative policy issues to the Town Manager.

2004-0234 Appointments to Boards and Commissions

Referred

This item was referred to the Personnel Committee.

2004-0155 Budget Review Process

Discussed

The Town Manager provided minutes from the RTM and Town Council budget meetings. He noted that if the Council wants to change the format of the minutes, he must know soon.

2004-0205 Route 1 (New London Road) Sidewalk Issue

Discussed

Councilors received a copy of the injunction. A hearing on the motion is scheduled for December 6th.

2004-0319 Town Clerk Compensation

Discussed

Councilor Sheets requested written information on the increase in revenues in the Town Clerk's Office in the last year. Councilor Skrmetti would like to agree in executive session what the evaluation procedure will be and what is public information versus private.

6. Consideration of Committee Referral Items as per Town Council Referral List

None.

7. OTHER BUSINESS

None.

8. ADJOURNMENT

A motion was made by Councilor Bartinik, seconded by Councilor Skrmetti, to adjourn the meeting at 10:18 p.m.

The motion carried unanimously.